

TESTIMONY OF COUNCILMAN PAUL SMEDBERG

State Air Pollution Control Board

Public Hearing -- November 19, 2007

Good evening. My name is Paul Smedberg and I am a member of the Alexandria City Council. I thank you for your appearance here this evening and I thank all the Board members for their focus on this very important public health and environmental issue. Years ago, a number of our citizens came before the City Council to request our help in correcting the untenable situation in which City residents near the Mirant power plant were placed at risk by the pollutants emitted by the plant. We engaged technical consultants in multiple disciplines to analyze the plant's impacts on air quality and submitted our findings to the Department of Environmental Quality and the Board. I think we all were surprised by the extent and scope of the risk to the community caused by the operations of the plant.

All along, DEQ and Mirant have applied a piece-meal, band-aid approach to avoid addressing the severe impacts of the plant's operation. If Mirant had initially committed to significantly upgrade its pollution control technology, we might not be here this evening. But we must now confront the operation of the plant under this proposed operating permit, and assess how it will impact our community for many years to come. Under Virginia law, the degree of the harm caused by the plant, the scope of the impacts, and the available technology for reducing and mitigating emissions need to be considered in determining the limits of the permit, not just the operational and economic convenience of Mirant.

I fully support the comments and recommendations of the Alexandria City staff and our consultants on the deficiencies of the proposed operating permit. The comments are well-considered, based on extensive expert analyses and take into

consideration the discrete circumstances related to the plant. The comments identify serious deficiencies with the draft operating permit.

Consistent with the Clean Air Act, our goal should be to modernize this outdated plant and ensure that its operations accommodate current scientific knowledge and thinking on the effects of short- and long-term exposure to coal plant emissions, in particular $PM_{2.5}$. According to Clean Air Watch, the majority of coal plants that need to be updated date back to the 1970s; the Potomac River coal plant goes back to the 1950s. So we have our work cut out for us. And fine particulate matter—the invisible particles that even penetrate indoors and cause serious pulmonary and cardio-vascular illnesses and are particularly acute to our more vulnerable residents—is one of the most serious health threats posed by the plant.

We understand that the plant may be physically constrained, or constrained by its location, from implementing certain up-to-date pollution control technology. But Mirant also has the legal obligation to retrofit other technology that would benefit air quality. I refer specifically to the installation of baghouses to significantly reduce the escape of $PM_{2.5}$ emissions, which have increased with the use of trona. We know through modeling, monitoring and the analysis of fugitive dust that particulate matter is being released into the air by the plant and landing on residents' property, in their homes and, most troubling, in their lungs. The City cannot accept a permit that does not fully protect our residents from the presently known and harmful effects of all pollutants from the plant, not just those that Mirant is willing to address. This community is resolved to do whatever is necessary to ensure that the future operations of this plant are subject to a permit with strict emissions limits and a credible and transparent monitoring system to verify the actual emissions. Furthermore, the operating permit should require that

data concerning the plant's emission be readily available to Alexandria and the public.

I strongly believe that Alexandria and the public continue to have a vital role in reviewing and analyzing activities related to this uniquely situated plant. For this reason, I reiterate Alexandria's request that the Board immediately establish a local air pollution control district and committee. This would be an important component to ensure full accountability for and compliance with the provisions of the permit.

Again, thank you for your interest and your time throughout this entire process.

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§ 10.1-1312. Air pollution control districts.

A. The Board may create, within any area of the Commonwealth, local air pollution control districts comprising a city or county or a part or parts of each, or two or more cities or counties, or any combination or parts thereof. Such local districts may be established by the Board on its own motion or upon request of the governing body or bodies of the area involved.

B. In each district there shall be a local air pollution control committee, the members of which shall be appointed by the Board from lists of recommended nominees submitted by the respective governing bodies of each locality, all or a portion of which are included in the district. The number of members on each committee shall be in the discretion of the Board. When a district includes two or more localities or portions thereof, the Board shall apportion the membership of the committee among the localities, provided that each locality shall have at least one representative on the committee. The members shall not be compensated out of state funds, but may be reimbursed for expenses out of state funds. Localities may provide for the payment of compensation and reimbursement of expenses to the members and may appropriate funds therefore. The portion of such payment to be borne by each locality shall be prescribed by agreement.

C. The local committee is empowered to observe compliance with the regulations of the Board and report instances of noncompliance to the Board, to conduct educational programs relating to air pollution and its effects, to assist the Department in its air monitoring programs, to initiate and make studies relating to air pollution and its effects, and to make recommendations to the Board.

D. The governing body of any locality, wholly or partially included within any such district, may appropriate funds for use by the local committee in air pollution control and studies.

(1966, c. 497, § 10-17.19; 1969, Ex. Sess., c. 8; 1972, c. 781; 1988, c. 891.)

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